REMARKS

Status of Claims

Claims 1-2, 9, 11, 14, 17-18, 25 and 31 have been amended. Claims 1-25 and 27-31 are pending in the application. Applicants acknowledge and appreciate that the Examiner has removed the finality of the previous Office Action dated December 31, 2007. New grounds of rejection are presented by the Examiner in the present Office Action, in view of US Patent No. 7,324,785 ***(Hansen)***, each of which are addressed below.

Claim Rejections - §102

The Examiner rejected claims 1-6, 11, 17-20, 25-26, and 30-31 under 35 U.S.C. 102(b) as being anticipated by ***Hansen***. Applicants respectfully traverse this rejection.

For ease of illustration, claim 1 is discussed first. Claim 1, directed to a method, calls for (1) receiving a request from a remote unit to provide a power level associated with a transmitting component of a base station of a cellular network communications system, wherein the request is transmitted over a communications protocol, (2) measuring, at the base station, a power level of a signal provided by the transmitting component in response to receiving the request from the remote unit and (3) providing, from the base station, the measured power level to the remote unit over the communications protocol. By allowing remote power level testing and configuration, on-site trips by technicians to communications devices (*e.g.,* cellular base stations) may be reduced, for example. The possibility of human error may also be reduced by reducing technician input.

The Examiner's rejection of claim 1 cannot be maintained because ***Hansen*** does not teach at least one of the claimed features. For example, claim 1 calls for receiving a request from a remote unit to provide a power level associated with a transmitting component of a base

station. The Examiner alleges this claimed feature is taught by ***Hansen*** because ***Hansen*** discloses an access point receiving a signal that requests the access point adjust its power level. *See* Office Action, p.2; ***Hansen***, col. 6, ll. 39-49. The Examiner's citation to ***Hansen*** discloses that the received request is for the access point to adjust its power level. *See id.* This request, however, is not for providing a power level, as called for in claim 1.

Claim 1 also calls for measuring, at the base station, a power level of a signal provided by the transmitting component in response to receiving the request from the remote unit. The Examiner alleges that this claimed feature is taught by ***Hansen*** because ***Hansen*** discloses that an access point adjusts its gain to a value provided by the sender. However, this citation to ***Hansen*** does not describe that the access point measures any power level during its gain adjustment. In ***Hansen***, the gain value is determined from the received signal, and the gain control signal is generated accordingly. ***Hansen***, as cited by the Examiner, is silent with respect to measuring a power level of a signal provided by the transmitting component. In contrast, claim 1 calls for measuring, at the base station, a power level of a signal provided by the transmitting component.

Moreover, even assuming that adjusting the gain corresponds to the claimed feature of measuring a power level, the Examiner's rejection is still not proper because the adjusted gain is not provided to the sender. ***Hansen***, as cited by the Examiner, does not transmit the adjusted gain value to another device. In contrast, claim 1 calls for providing, from the base station, the measured power level to the remote unit.

The Examiner alleges that the claimed feature of providing, from the base station, the measured power level to the remote unit is taught by ***Hansen*** at col. 2, line 44 to col. 3, line 6. *See* Office Action, p.3. Applicants respectfully disagree. The "power level" in claim 1 refers to the power level of the signal provided by the transmitting component of the base station. *See* Claim 1 ("measuring, at the base station, a power level of a signal provided by the transmitting

component [of the base station]"). In other words, the power level is of the signal being transmitted by the base station. In contrast, ***Hansen***, as discussed below, describes analyzing the signal being received by the target device ("base station," according to the Examiner).

The ***Hansen*** passage relied upon by the Examiner, describes that a targeted device ("base station," per the Examiner) determines the signal strength of a *received packet* by determining an RSSI, signal-to-noise ratio, and/or error rate, and sending that value to the transmitting device ("remote unit," per the Examiner). *See* ***Hansen***, col. 2, line 44 to col. 3, line 6. This passage makes clear that the target device analyzes the received signal to determine the RSSI value, and sends the RSSI value to the transmitting device. In contrast, claim 1 calls for the measured power level of the signal provided by the base station (not the signal provided by the remote unit). As such, the passage cited by the Examiner in ***Hansen*** does not teach this claimed feature.

For at least the aforementioned reasons, claim 1 and its dependent claims are allowable. For similar reasons, independent claims 11, 17, 25 and 31, along with their respective dependent claims, are also allowable.

Claim Rejections - §103

The Examiner rejected claims 7-10, 12-16, 23-24 and 29 under 35 U.S.C. 103(a) as being unpatentable over ***Hansen*** in view of various combinations of U.S. Pub. No. 2004/0092281 (***Burchfield),*** U.S. Pub. No. 2006/0018289 ***(Schulist,)*** U.S. Pub. No. 2004/0257988 ***(Evans),*** U.S. Pub. 2002/0188764 (***Mortazavi),*** U.S. Patent No. 5,574,993 ***(Kobayashi)*** and U.S. Patent No. 6,701,136 ***(Kim)***. Applicants respectfully traverse this rejection.

For ease of discussion, claim 9 is discussed first. The Examiner's rejection of claim 9 is not maintainable because ***Hansen*** and ***Evans***, either alone or in combination, do not teach all of the claimed features. Claim 9 depends from claim 1 which recites the transmitting component is associated with a base station of a cellular communications system, and further recites wherein

the remote unit is located in a mobile services switching center associated with the base station. The Examiner alleges that ***Evans*** teaches this claimed feature (*see* Office Action, pp.9-10). ***Evans*** teaches a data transmission system that determines whether or not to send data based on the Kolmogorov Complexity of a string. *See, e.g.,* ***Evans***, Abstract & ¶[0002]. ***Evans*** is concerned with data transfer in computer networks, not cellular communications networks that use base stations. In fact, ***Evans*** is completely silent with respect to base stations, mobile services switching centers, and cellular communications systems in general. In contrast, claim 9 calls for a transmitting component associated with a base station for a cellular communications system, and wherein the remote unit is located in a mobile services switching center associated with the base station. ***Hansen*** fails to remedy these fundamental deficiencies. For at least these reasons, claim 9 is allowable. For similar reasons, claims 10, 14-15 and 29 are also allowable.

Claim 13 is discussed next. The Examiner's rejection of claim 13 is not maintainable because ***Hansen*** and ***Kobayashi***, either alone or in combination, fail to teach all of the claimed features. Claim 13, depending from claim 11, recites the instructions when executed enable the processor to decrease the power of the output signal by attenuating the output signal by a pre-selected amount. The Examiner alleges that ***Kobayashi*** teaches this claimed feature (*see* Office Action, pp.12-13). Applicants respectfully disagree. The "attenuation" in claim 13 refers to a decrease in power "by a pre-selected amount." In other words, in the context of claim 13, a processor may receive a request to check a power level, and the processor may decrease the power level "by a pre-selected amount" in response to determining that the power level is outside an acceptable range. ***Kobayashi***, however, is silent with respect to the claimed feature of a pre-selected amount. ***Kobayashi*** teaches attenuating by an amount specified in a transmitted instruction, not a pre-selected amount, as called for in claim 13. Put another way, the sender in ***Kobayashi*** (*i.e.,* the device sending the instruction to change the transmit level) tells the device

microprocessor 19 to change his power level by an amount specified by the sender. *See* ***Kobayashi***, col. 9, ll. 19-32. ***Kobayashi*** further discloses that the control microcomputer 19 "applies an instruction specifying *the particular* transmission level to the transmission power control circuit 14." *See id.* As such, ***Kobayashi*** teaches that the transmission level is determined by the sender on an instruction by instruction basis, and the power level is **not** adjusted by a pre-selected amount, as called for in claim 13. ***Hansen*** fails to remedy these fundamental deficiencies. For at least these reasons, claim 13 is allowable.

Claim 23 is discussed next. Claim 23, depending from claim 17, recites the base station comprises a second component, and wherein the control unit is adapted to deactivate the second component of the base station before determining the power level of the output signal of the first component. The Examiner alleges that ***Mortazavi*** teaches this claimed feature (*see* Office Action, pp.15-16). ***Mortazavi*** teaches that Java components may invoke other components in a synchronous manner. In other words, if a first component invoked a second component, the first component must wait for control to return from the second component before the first component proceeds with additional processing. This means that the first component is in a delay or idle state. ***Mortazavi*** does not teach that the first component is deactivated, rather the first component is waiting. In contrast, claim 23 calls for deactivating the second component of the base station. ***Hansen*** fails to remedy these fundamental deficiencies. For at least these reasons, claim 23 is allowable. For similar reasons, claim 24 is allowable.

The remaining dependent claims are based upon allowable independent claims. For at least this reason, the remaining dependent claims are allowable.

For the aforementioned reasons, it is respectfully submitted that all claims pending in the present application are in condition for allowance. Reconsideration of the present application is respectfully requested.

If for any reason the Examiner finds the application other than in condition for allowance, **the Examiner is requested to call the undersigned attorney** at the Houston, Texas telephone number (713) 934-4064 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,
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Date: February 3, 2008

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